

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sears Logistics Services, Inc.,

Plaintiff,

Case No. 2:14-cv-999

v.

Judge Michael H. Watson

Phoenix Warehouse,

Defendant.

OPINION AND ORDER

Defendant Phoenix Warehouse ("Phoenix") moves to stay the current case schedule pending the anticipated filing of a motion to consolidate the instant case with Case No. 2:15-cv-2834 for pre-trial proceedings and trial. ECF No. 31.

Sears Logistics Services, Inc. ("Sears") commenced the instant action against Phoenix on July 29, 2014. Since then, the parties have completed discovery and summary judgment briefing.


Meanwhile, on September 16, 2015, Phoenix commenced a separate suit against Sears and another defendant in Case No. 2:15-cv-2834. Sears has not yet responded to that complaint, and the current deadline by which to do so is November 17, 2015.

Phoenix asserts that once Sears responds to the complaint in the 2:15-cv-2834 case, it intends to file a motion to consolidate that case with the instant

case. Phoenix moves to stay the instant proceedings pending the filing of that motion.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Unroe v. Vilsack*, No. 2:11–cv–592, 2012 WL 3527219, at *1 (S.D. Ohio Aug. 14, 2012) (citation omitted). Summary judgment briefing in the instant case is now complete, and there are no further proceedings scheduled at this time. Accordingly, Phoenix’s motion to stay the case schedule is **DENIED** as moot. Additionally, the Court notes that it does not foresee ruling on the summary judgment motions in the instant case prior to the date by which the anticipated motion to consolidate would be ripe for consideration in the 2:15–cv–2834 case.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT